

AN ORDINANCE OF LEWIS COUNTY, WASHINGTON)
ADOPTING A MORATORIUM UPON ESTABLISHMENTS) ORDINANCE NO. 1249
INVOLVED IN THE SALE, MANUFACTURING, DISTRIBUTION)
OR USE OF MARIJUANA RELATED PRODUCTS)

WHEREAS, the County will need at least a six-month period to conduct an appropriate analysis and to develop appropriate recommendations for the Lewis County Planning Commission to consider regarding the issues noted above; and

WHEREAS, the County is informed and concerned that marijuana-associated land uses have a higher than average susceptibility to burglary and other crimes, that such land uses will require more attention and resources from the Lewis County Sheriff's Office and that such concerns need to be evaluated in greater detail before determining appropriate land use controls; and

WHEREAS, potential impacts from marijuana-associated uses include but are not limited to:

- Conversion of residential uses into marijuana cultivation and processing facilities, removing valuable housing stock in a community;
- Degrading neighborhood and commercial district aesthetics due to offensive odors;
- Increased night-time traffic; parking issues; loitering from potential purchasers; environmental damages from chemicals being discharged into surrounding and off-site soil and storm and sanitary sewer systems;
- Serious risk of fire hazard due to overloaded service connections use to operate grow lights and fans;
- Improper ventilation leading to high levels of moisture and mold;
- Illegal structure modifications;
- Criminal issues such as home invasions, burglaries of marijuana-associated facilities, theft and property damage;
- Unintended and uncontrolled dispersion of marijuana in agricultural areas.

WHEREAS, this Ordinance does not shield any individual or entity, including users, manufacturers, and deliverers of marijuana, from local, state, or federal penalties and liability; and

WHEREAS, this moratorium is authorized by RCW 36.70.795 and Article 1, Section 2, and Article 11, Section 11 of the Washington State Constitution.

NOW THEREFORE BE IT ORDAINED by the Lewis County Board of County Commissioners that Lewis County Board of County Commissioners hereby declares the following:

Section 1. Moratorium. The Lewis County Board of County Commissioners hereby declares a moratorium upon:

1. The submission, acceptance, processing or approval of any permit applications or licenses by or for any establishment involved in the sale, use, growing, manufacture or processing of marijuana, including but not limited to performance spaces, private clubs, open-to-the public night blubs/cabarets/ taverns or similar establishments.

2. The creation by an owner or operator of any land or building of any new use of such land or buildings for the sale/use/growing, distribution, manufacturing, or processing of marijuana and related products.

Section 2. Duration of Moratorium. The moratorium adopted by this Ordinance is effective immediately upon adoption and shall remain in effect for six (6) months, unless subsequently extended by the Board pursuant to state law.

Section 3. Public Hearing. Pursuant to RCW 36.70.795, a public hearing was held on December 9, 2013.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

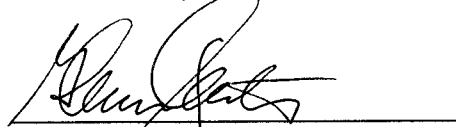
Section 5. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Findings. The Lewis County Board of Commissioners hereby adopts the above recitals as findings of fact in support of this Ordinance.

PASSED IN REGULAR SESSION THIS 9th day of December 2013, after a public hearing was held December 9, 2013 pursuant to Notice published in the *East County Journal* on November 20, 2013 and the *Chronicle* on November 21, 2013.

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Atty.



By: Glenn Carter

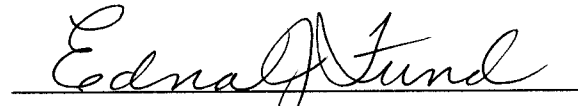
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS

LEWIS COUNTY, WASHINGTON



P.W. Schulte, Chairman

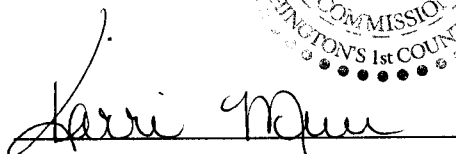


Edna J. Fund, Member

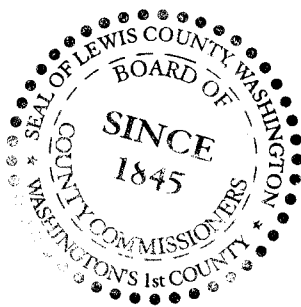


F. Lee Grose, Member

ATTEST:



Karri Muir, Clerk of the Board



**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

NOTICE OF PUBLIC HEARING AND PROPOSED ACTION TO ADOPT A
MORATORIUM UPON ESTABLISHMENTS INVOLVED IN THE
PRODUCTION, PROCESSING AND RETAIL SALE OF MARIJUANA AND
RELATED PRODUCTS

)
) Resolution No 13- 526
)

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Lewis County *Board of Commissioners* in the *hearing room* at 351 NW North Street, Chehalis, Washington on December 9, 2013 at or after 10:00 am; and

WHEREAS, public notice of said hearing is required by law;

NOW, THEREFORE BE IT RESOLVED, the purpose of the public hearing is to take public testimony or written comment concerning a moratorium upon establishments involved in the production, processing and retail sale of marijuana and related products; and

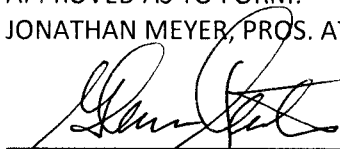
BE IT RESOLVED that the Clerk of the Board is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication as required by law

BE IT FURTHER RESOLVED, that a hearing is hereby scheduled for December 9, 2013 to take public testimony or written comment on the proposed adoption of a moratorium upon establishments involved in the productions, processing and retail sale of marijuana related products, with final Board of County Commissioners action to take place following the public hearing.

PASSED IN REGULAR SESSION by the Board of County Commissioners, this 18th day of November, 2013.

APPROVED AS TO FORM:
JONATHAN MEYER, PROS. ATTORNEY


BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

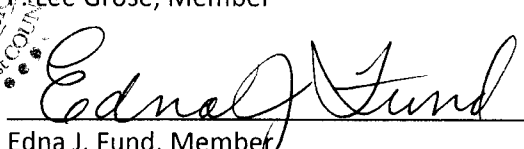

BY: Glenn Carter, Deputy Prosecuting Attorney


P.W. "Bill" Schulte, Chairman


ATTEST:

Karri Muir, Clerk of the Board


Lee Grose, Member


Edna J. Fund, Member



NOTICE OF PUBLIC HEARING BEFORE THE LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS AND INTENT TO ADOPT MORATORIUM

NOTICE IS HEREBY GIVEN that the **LEWIS COUNTY, Washington BOARD OF COUNTY COMMISSIONERS** will hold a public hearing to receive public testimony on adoption of a moratorium. The hearing will be on December 9, 2013 at the Lewis County Courthouse, commencing at or after 10:00 a.m.

At the hearing, members of the public will be invited to speak and/or provide written statements regarding the proposed Ordinance. After the public testimony portion of the hearing has ended, the Commissioners will deliberate and consider modifications to the Ordinance that are proposed by members of the public, county employees or the Commission. The proposed Ordinance may then be adopted with or without modifications.

The hearing will address adopting a moratorium upon establishments involved in the sale, manufacturing, distribution or use of marijuana related products. The moratoria adopted pursuant to the authority of RCW 36.70.795 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development. The County will need at least a six-month period to conduct an appropriate land use analysis and to develop appropriate recommendations for the Lewis County Planning Commission to consider regarding the issues.

All persons wishing to be heard on this matter are encouraged to attend. Written comments may be submitted in advance of the hearing by mail or at the hearing by delivery in person. Please deliver copies of all written comments to the Clerk of the Lewis County Board of County Commissioners at 351 NW North St, Chehalis, WA 98532.

To facilitate public review and in accordance with Lewis County Code Chapter 17.12, the draft ordinance is available at the Lewis County website at <http://lewiscountywa.gov/planning-division>. Additionally hard copies are available to review at the Lewis County Department of Community Development at 2025 NE Kresky Ave., Chehalis WA, and at the following Timberland Regional Libraries locations in Chehalis, Centralia, Salkum, Randle, Packwood, and Winlock as well as Lewis County Senior Centers located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock.

For questions concerning the above, please contact:
Lee Napier at Lewis County Community Development at 360-740-1232.

This meeting site is barrier free. People needing special assistance or accommodations should contact the Clerk of the Board 72 hours in advance of the meeting. Phone: (360) 740-1419

PUBLISH: On or before November 20, 2013 in East County Journal and November 21, 2013 in the Chronicle
/K Muir

Executive Summary

BOCC Meeting Date:

2013-11-18

Contact:

Lee Napier

Department:

Community Development

Wording

Resolution to set a hearing date to consider a Moratorium regarding the sale, production, and processing of marijuana and related products.

Description

Set a hearing date to consider adopting a moratorium upon establishments involved in the sale, manufacturing, distribution or use of marijuana related products.

The moratoria is adopted pursuant to the authority of RCW 36.70.795. This is the method by which local governments may preserve the status quo, so that new plans and regulations will not be rendered moot by intervening development.

The County will need at least a six-month period to conduct an appropriate land use analysis and to develop appropriate recommendations for the Lewis County Planning Commission to consider regarding the issues.

Recommendation

Staff recommends a hearing date be set and the moratorium adopted.

Other

BOCC AGENDA ITEM SUMMARY

Resolution #: 13-524

BOCC Meeting Date: Nov 18, 2013

Suggested Wording for Agenda Item:

Agenda Type: Notice

Resolution to set a hearing date to consider a Moratorium regarding the sale, production, and processing of marijuana and related products.

Brief Reason for BOCC Action:

Set a hearing date and consider adopting a moratorium upon establishments involved in the sale, manufacturing, distribution or use of marijuana related products.

Submitted By: Napier, Lee

Phone: x2606

Date Submitted: Nov 07, 2013

Contact Person Who Will Attend BOCC Meeting: Lee Napier

Action Needed: Approve Resolution


Publication Requirements:

Hearing Date: Dec 09, 2013

Publications: East County Journal and Chronicle

Publication Dates:

Approvals:

User	Group	Status
Muir, Karri		Pending
Carter, Glenn		Pending
Anderson, Pat		Pending
Napier, Lee		Pending
Walton, Steve		Pending
York, Danette		Pending

Additional Copies

Pat Anderson